IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.4601 OF 2004

IN

CRIMINAL APPEAL NO.1062 OF 2004

Abdul hamid Mohd. Adam .. Applicant

versus

The State of Maharashtra .. Respondent

...

Mr.R.G. Merchant for the applicant.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 16th December 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted u/s.498B and 498C of the IPC and sentenced to suffer SI for 10 years and 5 years respectively. The prosecution case is that the applicant had sent a packet to Bombay and this packet contained counterfeit currency notes. The

learned counsel appearing on behalf of the applicant submitted that there is no evidence brought on record to indicate that Mohd. Abdul Hamid was in fact Salim. It was submitted that neither PW no.1 nor PW no.6 nor PW no.9 have stated that Abdul Hamid was also known by his previous name as Salim. The learned counsel also took me through the evidence which was recorded in MCOC Spl.Case no.10 of 2001 and pointed out various contradictions in the statement of PW no.6 as also PW no.1. He further pointed out that from the evidence in MCOC Spl.Case no.10 of 2001 that no particulars have been furnished by the police regarding arrest of the brother of Salim. No particulars of his family members have been produced in the said case. The learned counsel has taken me through the evidence of PW no.1, PW no.6 and PW no.9 in the present case in support of his said submission.

3. In my view, no prima facie case is made out for grant of bail. The submissions of the learned counsel can be taken into consideration in the final hearing of the appeal. Application for bail is rejected.

4. Liberty to the applicant to prepare a private paper book and apply for a fixed date of hearing after the paper book is ready.

V.M. KANADE, J